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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Oleg Boyko, an individual, and
Finstar-Holding LLC, a Russian limited
liability company,

Plaintiffs,

v.

Alexey Kondratiev, an individual, and
<olegvboyko.website>,

Defendants.

NO. CV-23-01186-PHX-DLR

**PLAINTIFFS' MOTION FOR
STATUTORY DAMAGES**

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15 USC § 1125(d)(1)5, 9, 10, 15

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiffs Oleg Boyko (“Boyko”) and Finstar Holding LLC (“Finstar”, and together with Boyko, “Plaintiffs”) move for the imposition of the maximum allowable statutory damages of \$100,000 against Defendant Alexey Kondratiev (“Kondratiev”), pursuant to 15 USC § 1125(d)(1) and 15 U.S.C. § 1117(d).

Kondratiev has already been found liable to Finstar for cybersquatting under 15 USC § 1125(d)(1), and the infringing and defamatory domain that he registered – the <olegvboyko.website> (the “Infringing Domain” or “Domain”) has been ordered to be transferred to Finstar. *See* ECF 67 at 10. This motion for statutory damages is necessary to compensate Plaintiffs, as well as to deter further infringing conduct by Kondratiev.

An award of the maximum allowable statutory damages is justified here due to: (i) the egregiousness of Kondratiev’s cybersquatting, which included using Boyko’s full name, correctly spelled, in the Infringing Domain, and the malice underlying the false and disparaging content displayed on the website linked to that Domain; (ii) Kondratiev’s knowing and intentional use of false contact information designed to obscure and conceal his ownership of, and responsibility for, the Infringing Domain; (iii) the false testimony Kondratiev has given in this action in an effort to conceal his wrongful conduct; (iv) Kondratiev’s past abuses of process and vexatious litigation against Boyko; and (v) Kondratiev’s ongoing violations of Section 1125(d)(1), even after this Court issued its preliminary injunction order in this action.

II. STATEMENT OF FACTS AND PROCEDURAL HISTORY

A. Boyko and the Boyko Mark.

Plaintiff Boyko is a citizen of Italy and resident of Switzerland. ECF 60-4 at Ex. 29, ¶2 (COE393). Boyko is a well-known international investor, philanthropist, and beneficial owner and Chairman of Finstar Financial Group (“Finstar Financial”), an international private equity and investment advisory firm that was established in 1996. ECF 60-4 at Ex. 29, ¶3 (COE393).

1 Finstar Financial manages more than \$2 billion of assets and has a diversified
 2 investment footprint in more than 30 countries, including the United States. *Id.*; *see also*
 3 ECF 60-1 at Ex. 8, ¶4 (COE181). Investors who choose to invest their money with Finstar
 4 Financial do so primarily based on Boyko’s reputation as a successful investor and
 5 entrepreneur. ECF 60-1 at Ex. 8, ¶10 (COE182). Boyko’s name is inherently and
 6 inextricably associated with, and linked to, Finstar Financial and the Finstar Group. *Id.* As
 7 a result, Boyko’s name and the Boyko Mark (and the ability to protect it) are vital not only
 8 to Boyko, but to the financial success of the Finstar Group and the entities therein. *Id.*

9 Plaintiff Finstar is a limited liability company, organized and existing under the law
 10 of the Russian Federation, with its principal place of business in Moscow, Russia. ECF 60-
 11 1 at Ex. 8, ¶6 (COE181). Boyko is the ultimate beneficial owner of Finstar, which is part of
 12 the same group of companies as Finstar Financial. ECF 60-1 at Ex. 8, ¶¶2, 6 (COE181);
 13 ECF 60-4 at Ex. 29, ¶2 (COE393). Finstar is the owner of protectable interests in a registered
 14 international trademark consisting of the name “Oleg Boyko.” ECF 60-1 at Ex. 8, ¶7
 15 (COE181-82); ECF 60-1 at Ex. 9 (COE189-99). Finstar applied for a United States service
 16 mark comprised of the name “Oleg Boyko” on February 8, 2020, which was registered on
 17 March 1, 2022. ECF 60-1 at Ex. 8, ¶8 (COE182); ECF 60-1 at Ex. 10 (COE200-07).

18 **B. Kondratiev’s Prior Unsuccessful Lawsuit Against Boyko.**

19 From 2006 to 2008, Kondratiev (a Canadian citizen) provided certain services to
 20 several companies in Brazil and the United States in connection with the creation of software
 21 for electronic bingo machines. ECF 60-1 at Ex. 8, ¶11 (COE182). In 2008, Kondratiev was
 22 sued in Ontario, Canada by one of those companies, Arcadia Participatoes Ltda. (“Arcadia”)
 23 for, *inter alia*, injunctive relief and damages concerning Kondratiev’s false representations
 24 to certain customers that Kondratiev owned the bingo machines that Arcadia provided to
 25 those customers. ECF 60-1 at Ex. 8, ¶12 (COE182-83).

26 Kondratiev cross-claimed against Arcadia for \$10 million in damages, and eventually
 27 added several other cross-defendants, including Finstar Financial Group LLC, a New York
 28 company. Kondratiev claimed that both Arcadia and Finstar Financial Group were owned

1 by Boyko. ECF 60-1 at Ex. 8, ¶¶13-15 (COE183); ECF 60-1 – ECF 60-2 at Exs. 12-14
 2 (COE210-64). In 2015, in the same Ontario Court, Kondratiev instituted a related action
 3 against Boyko claiming \$10 million in damages against Boyko (the “Canada Lawsuit”).
 4 ECF 60-1 at Ex. 8, ¶16 (COE183-84); ECF 60-2 at Ex. 15 (COE265-81).

5 During the Canada Lawsuit, Kondratiev repeatedly accused Boyko of alleged
 6 criminal conduct and engaged in efforts to injure Boyko’s business reputation. ECF 60-1 at
 7 Ex. 8, ¶17 (COE 84). Kondratiev’s meritless claims against Boyko, as well as the Finstar
 8 Financial Group, in the Canada Lawsuit were ultimately dismissed. ECF 60-1 at Ex. 8,
 9 ¶¶17-18 (COE 84); ECF 60-4 at Exs. 16-19 (COE282-308). In its dismissal order, the
 10 Ontario Court referred to Kondratiev’s claims against Boyko as “an abuse of process,” and
 11 in a separate order pertaining to Kondratiev’s cross-claims, the Ontario Court *found*
 12 *Kondratiev to have been a vexatious litigant* and ordered him to pay several hundred
 13 thousand dollars in costs. *See* ECF 60-1 at Ex. 8, ¶¶17-18 (COE 84); ECF 60-4 at Exs. 16-
 14 17, 19 (COE282-289 & COE305-308).

15 **C. After His Lawsuit Against Boyko Was Dismissed, Kondratiev – under the**
 16 **Alias “Anna Lee” – Registered the Infringing Domain to Tarnish and**
 17 **Disparage Boyko and the Boyko Mark.**

18 On or about August 23, 2017 – shortly after the dismissal of Kondratiev’s lawsuit
 19 against Boyko was affirmed on appeal – the domain name <olegvboyko.website> was
 20 registered with Namecheap. ECF 60-1 at Ex. 8, ¶19 (COE185); ECF 60-1 at Ex. 4 at
 21 COE100-01.

22 Subsequently, a website linked to the domain – <https://olegvboyko.website> (the
 23 “Infringing Website”) – was created and populated with disparaging information concerning
 24 Boyko, including the same types of false allegations of “criminality” that Kondratiev had
 25 previously unsuccessfully alleged in the Canada Lawsuit in an effort to maliciously injure
 26 Boyko’s business reputation. ECF 60-1 at Ex. 8, ¶20 (COE185).

27 For example, the Infringing Website asserted, *inter alia*, that Boyko purportedly is
 28 (i) a career criminal with a “propensity to engage in illegal activity”; (ii) affiliated with
 “organized crime”; (iii) laundering money through the “National Credit Bank and his

1 company OLBI-USA”; (iv) laundering money through the financing of Hollywood movies;
 2 and (v) responsible for “the collapse of the Bangkok Bank of Commerce in 1994,” which
 3 “[i]n turn ... contributed to the 1998 Asian financial crisis.” ECF 60-1 at Ex. 8, ¶21 (COE
 4 185); ECF 60-2 at Ex. 20 (COE309-11).

5 To be clear, there is not a shred of truth to any of these malicious and defamatory
 6 statements. ECF 60-4 at Ex. 29, ¶6 (COE393-94). Indeed, these same false allegations on
 7 the same Infringing Website have already been found “inaccurate” and “denigrating” by the
 8 courts in Italy, a member of the European Union. Specifically, on July 6, 2023, the
 9 Guarantor for the Protection of Personal Data (a type of judicial body in Italy), granted
 10 Boyko’s petition to order Google to remove the olegvboyko.website from its platform in
 11 Italy, noting “the need to ... de-index[] ... information that gives rise to ‘an inaccurate,
 12 inadequate or misleading impression with respect to the data subject’” and that the website
 13 is “clearly intended to denigrate” Boyko. ECF 60-1 at Ex. 8, ¶22 (COE185-86); ECF 60-3
 14 at Ex. 21 at COE320. This decision was then affirmed on appeal by the Court of Como,
 15 Italy. ECF 60-1 at Ex. 8, ¶22 (COE185-86); ECF 60-3 at Ex. 22 at COE367.¹

16 Notably, **Kondratiev registered the Infringing Domain under an alias, so as to**
 17 **conceal the fact that he is the registrant.** As this Court has already found, while the
 18 Infringing Domain had “Anna Lee” as the purported “registrant contact,” the documents
 19 obtained from Namecheap, including the contact info for the registrant, show that “Anna
 20 Lee,” the name associated with the Domain, is Kondratiev’s alias.” ECF 67, at 2-3, 7.

21 This Court also found that the web address for the Infringing Website
 22 (<https://olegvboyko.website>) was confusingly similar to the legitimate website for Mr.
 23 Boyko (<https://oleg-boyko.com>) (see ECF 67, at 2, 9), and was used to divert consumers

24
 25 ¹ In any case, as Kondratiev concedes in his earlier filings, the truth or falsity of the
 26 information on the Infringing Website is **irrelevant** to the cybersquatting claim. See ECF
 27 23 at 8:1-3 (“the dispute regarding the contents of <olegvboyko.website> is irrelevant since
 28 this legal action is for cybersquatting and not for defamation.”); see also *Platinum Props. v. Sells*, 2021 U.S.Dist. LEXIS 203146, at *19, 37 (S.D.Fla. Feb. 8, 2021) (holding that defendant’s “bad faith” intent to “disparage” plaintiffs was established by his “use of the infringing domain names and the Websites” that contained “derogatory” information regarding plaintiffs’ mark, granting summary judgment on cybersquatting).

1 from the legitimate website to the Infringing Website, where derogatory statements
 2 concerning Boyko's character and business practices were made in an effort to tarnish and
 3 disparage Boyko's name and the Boyko Mark. Indeed, when a user performed a search on
 4 Google for "Oleg Boyko" the Infringing Website was prominently displayed on Google next
 5 to pictures of Boyko as one of the first available links regarding Boyko. ECF 60-1 at Ex. 1,
 6 ¶13 (COE004-05); ECF 60-1 at Ex. 8, ¶32 (COE188); ECF 60-1 at Ex. 7 (COE175-78).

7 **D. Plaintiffs Institute This Action, and the Court Finds Kondratiev Liable**
 8 **for Cybersquatting and Orders the Transfer of the Infringing Domain.**

9 On June 27, 2023, Plaintiffs initiated this action against Kondratiev, asserting, *inter*
 10 *alia*, a claim for violation of the Federal Anti-Cybersquatting Consumer Protection Act (15
 11 U.S.C. § 1125(d)(1)) and seeking, *inter alia*, the transfer of the Infringing Domain to Finstar,
 12 and a permanent injunction ordering Kondratiev to cease and refrain from using the Boyko
 13 Mark. *See generally* ECF 1. That same day, Plaintiffs moved this Court for an *ex parte*
 14 temporary restraining order and an order to show cause why a preliminary injunction through
 15 the final resolution of this action should not issue. *See generally* ECF 2.

16 On July 14, 2023, this Court granted a temporary restraining order and enjoined
 17 "Kondratiev ... from taking any actions to transfer the <olegvboyko.website> domain name
 18 from its current registrar, Namecheap, to any other registrar." ECF 14 at 7. In that order,
 19 the Court found that "Plaintiffs are likely to succeed on [their cybersquatting] claim." *Id.* at
 20 3. On August 28, 2023, this Court converted the above-described TRO into a preliminary
 21 injunction that extended the above-described relief through "the pendency of this case."
 22 ECF 35 at 5. In that order, the Court again found that "Plaintiffs are likely to succeed on
 23 [their cybersquatting] claim." *Id.* at 4.

24 On May 28, 2024, Plaintiffs filed a motion seeking partial summary judgment as to
 25 (i) liability in favor of Plaintiff Finstar on its cybersquatting claim (Count I of the
 26 Complaint), and (ii) the remedy of the transfer of the Infringing Domain to Plaintiff Finstar,
 27 under 15 USC § 1125(d)(1)(C)
 28

On March 13, 2025, this Court entered an order (dated March 12, 2025) granting Plaintiffs' motion for partial summary judgment, finding that Plaintiffs are entitled to judgment as a matter of law on the issue of Kondratiev's liability under 15 USC § 1125(d)(1), and ordering Kondratiev to transfer the Infringing Domain, <olegvboyko.website>, to Finstar within 14 days. *See* ECF 67 at 10. In that Order, the Court found, among other things, that Kondratiev had registered the Infringing Domain and Website and used an alias – "Anna Lee" – to obscure his ownership of same. *Id.* at 7-8. The Court also found that Kondratiev acted with a bad faith intent to profit from the Boyko Mark. *Id.* at 9-10. The Court also found that the Website was "dedicated to publishing disparaging information about Boyko," and that the evidence shows a "history of Kondratiev's conflict with and litigation against Plaintiffs. *Id.*, at 10.

III. PLAINTIFFS ARE ENTITLED TO STATUTORY DAMAGES

A. Legal Standard for Assessing the Proper Amount of Statutory Damages

Pursuant to 15 U.S.C. § 1117(d), "[i]n a case involving a violation of section 1125(d)(1) of this title, the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits, an award of statutory damages of not less than \$1,000 and not more than \$100,000 per domain name, as the court considers just." 15 U.S.C. § 1117(d).

Importantly, the **Court may award statutory damages without conducting a jury trial.** *See Yuga Labs, Inc. v. Ripps*, 2023 U.S. Dist. LEXIS 192487, at *41 (C.D. Cal. Oct. 25, 2023) ("[T]he Court, rather than a jury, may calculate the amount of statutory damages for Defendants' violations of the ACPA and is not limited to awarding the minimum amount of statutory damages."); *see also Two Plus Two Publ'g, LLC v. Jacknames.com*, 572 Fed. Appx. 466, 467 (9th Cir. 2014) ("The district court did not err in calculating statutory damages rather than holding a jury trial on that issue because the ACPA allows for statutory damages between \$1,000 and \$100,000, 'as the court considers just.'" (quoting 15 U.S.C. § 1117(d))); *Acad. of Motion Picture Arts & Sci. v. Godaddy, Inc.*, 2015 U.S. Dist. LEXIS 186631, at *11 (C.D. Cal. Apr. 10, 2015) (accord).

B. Maximum Statutory Damages of \$100,000 against Kondratiev Are Warranted by, inter alia, the Egregiousness of the Cybersquatting, Kondratiev's Use of False Contact Information, and His History of Contempt for Court Proceedings Involving Boyko.

In determining the proper amount of statutory damages to award under 15 U.S.C. § 1117(d), “courts generally consider a number of factors ..., including the egregiousness or willfulness of the defendant’s cybersquatting, the defendant’s use of false contact information to conceal its infringing activities, ... and other behavior by the defendant evidencing an attitude of contempt towards the court or the proceedings.” *Verizon California Inc. v. OnlineNIC, Inc.*, 2009 U.S. Dist. LEXIS 84235, at *8-9 (N.D. Cal. Aug. 25, 2009); *M.I.B. Grp. LLC v. Aguilar*, 2024 U.S. Dist. LEXIS 126132, at *68 (C.D. Cal. Jul. 16, 2024) (same).

Here, each of these factors supports the maximum amount of statutory damages authorized under 15 U.S.C. § 1117(d) – *i.e.*, \$100,000 – against Kondratiev.

1. Kondratiev's Use of Boyko's Correctly-Spelled Name and Kondratiev's Clear Intent to Disparage and Tarnish the Boyko Mark Demonstrate the Egregiousness of His Conduct.

As discussed above, a key factor that courts consider in determining the proper amount of statutory damages to award under 15 U.S.C. § 1117(d), is “the egregiousness or willfulness of the defendant’s cybersquatting.” *Verizon*, 2009 U.S. Dist. LEXIS 84235, at *8-9. Here, Kondratiev’s cybersquatting was particularly egregious for several reasons, each of which justifies the imposition of the maximum statutory penalty – *i.e.*, \$100,000.

First, the domain for the Infringing Website consisted entirely of the correct spellings of Boyko’s first name, middle initial, and last name – *i.e.*, <olegvboyko.website>. Notably, in assessing the egregiousness of defendant’s cybersquatting, courts typically consider “whether the correct spelling of Plaintiff’s trademark is contained in the infringing domain names” because **the use of a correct spelling is a more “egregious” form of cybersquatting.** *See Facebook, Inc. v. Banana Ads LLC*, 2013 U.S. Dist. LEXIS 65834, at *44 (N.D. Cal. Apr. 30, 2013) (holding that that include the correct spellings of plaintiffs’ trademarked names” are more “egregious” than cases that involve “typosquatting”), *R. & R.*

1 *adopted*, 2013 U.S. Dist. LEXIS 203354 (N.D. Cal. June 24, 2013)); *Facebook, Inc. v.*
 2 *Onlinenic Inc.*, 2022 U.S. Dist. LEXIS 113060, at *50 (N.D. Cal. Mar. 28, 2022) (“The
 3 Court finds that **domains containing the correctly-spelled ... marks are more malicious**
 4 than those misspelling the marks.”).

5 In other words, cybersquatting using correctly-spelled trademarks – as opposed to
 6 typosquatting – generally support more severe awards of statutory damages. *See, e.g.,*
 7 *CrossFit, Inc. v. Jenkins*, 69 F. Supp. 3d 1088, 1102 (D. Colo. 2014) (holding that where
 8 defendant used the “entirety” of plaintiff’s trademark in the infringing domain name,
 9 “maximum” statutory damages of \$100,000 were warranted).

10 Second, in evaluating the proper amount of statutory damages, a defendant’s “intent
 11 and behavior are the foremost consideration.” *See CrossFit, Inc. v. Jenkins*, 69 F. Supp. 3d
 12 1088, 1102 (D. Colo. 2014). Here, as this Court has already found, the Infringing Domain
 13 and Website was “dedicated to publishing disparaging information about Boyko.” ECF 67,
 14 at 10:1-2. Indeed, the Infringing Website consisted solely of disparaging information
 15 concerning Boyko, including the same types of false allegations of “criminality” that
 16 Kondratiev had previously unsuccessfully alleged in the Canada Lawsuit in an effort to
 17 maliciously injure Boyko’s business reputation. ECF 60-1 at Ex. 8, ¶20 (COE185).

18 Thus, Kondratiev’s use of the correct spelling of the Boyko Mark in the Infringing
 19 Domain and linked Website, and Kondratiev’s clear intent to disparage and tarnish the
 20 Boyko Mark, justify the maximum amount of \$100,000 in statutory damages.

21 **2. Kondratiev’s Use of the “Anna Lee” Alias to Conceal His Illegal** 22 **Actions Warrants the Imposition of Maximum Statutory Damages.**

23 As discussed above, another primary factor that courts consider in determining the
 24 proper amount of statutory damages to award under 15 U.S.C. § 1117(d), is “the **defendant’s**
 25 **use of false contact information to conceal its infringing activities.**” *Verizon*, 2009 U.S.
 26 Dist. LEXIS 84235, at *8-9.

27 Here, this Court has already found that the record “evidence demonstrate[d] that
 28 Kondratiev is the registrant of the [Infringing] Domain and the Website” and “that ‘Anna

Lee,’ the name associated with the Domain, is Kondratiev’s alias.” ECF 67 at 7. Kondratiev’s use of the “Anna Lee” alias to conceal his ownership of, and responsibility for, the Infringing Domain substantially increased the cost of Plaintiffs’ pre-litigation investigative efforts and the cost associated with this litigation. For example, Plaintiffs were forced to subpoena various third parties, including the registrar of the Infringing Domain (Namecheap), and the web hosting providers of the Infringing Website (DreamHost and Cloudflare), as well as PayPal (which was used to pay for the registration of the Infringing Domain and the hosting of the Website) to obtain the information necessary to prove that Kondratiev was behind the “Anna Lee” alias. See ECF 60, at 6-9; ECF 67, at 2-3.

Courts confronted with similar behavior have awarded statutory damages at the high end of the spectrum. For example, in *BioCryst Pharms, Inc. v. Namecheap.com, et al.*, 2006 U.S. Dist. LEXIS 98340 (C.D. Cal. Nov. 21, 2006), the district court imposed the maximum statutory damages award of \$100,000 per domain name where the defendant “knowingly provided false contact information concealing his registration and use of [the domain name].” *Id.* at *5. See also *Facebook, Inc. v. 9 Xiu Network Shenzhen Tech. Co.*, 2021 U.S. Dist. LEXIS 233324, at *15 (N.D. Cal. Oct. 21, 2021) (awarding “statutory damages in the maximum amount of \$100,000 per infringing domain name” where defendants “used false contact information to conceal their activities”) (quotes omitted), *report and recommendation adopted*, 2021 U.S. Dist. LEXIS 233283 (N.D. Cal. Nov. 16, 2021); *Translucent Communs., LLC v. Ams. Premiere Corp.*, 2010 U.S. Dist. LEXIS 16459, *54-55 (D. Md. Feb. 24, 2010) (awarding “the maximum statutory damages of \$ 100,000” where “Defendant ... intentionally and willfully provided false information to Register.com.”). The same result should follow here.

3. **Kondratiev’s Contemptuous Behavior and Conduct in This Action Warrant the Imposition of Maximum Statutory Damages.**

Another factor that courts consider in determining the proper amount of statutory damages to award under 15 U.S.C. § 1117(d), is the degree to which “behavior by the defendant evidenc[es] an attitude of contempt towards the court or the proceedings.”

1 *Verizon*, 2009 U.S. Dist. LEXIS 84235, at *8-9. Here, several of the actions taken by
 2 Kondratiev – both in this action and in the prior Canada Lawsuit – evidence Kondratiev’s
 3 attitude of contempt towards courts generally, and these legal proceedings specifically.

4 First, Kondratiev repeatedly provided false testimony in this action. For example, at
 5 his deposition, Kondratiev falsely testified under penalty of perjury that, *inter alia*, he:

- 6 • never “used the name Anna Lee as an alias” and never “used the name Anna Lee to
 7 communicate with any other person or entity” (ECF 60-1 at Ex. 6 at 92:3-12
 8 (COE171));
- 9 • “never used the name Anna Lee to open an account with Namecheap or Cloudflare
 10 or DreamHost” (ECF 60-1 at Ex. 6 at 95:13-17 (COE172)); and
- 11 • never registered or renewed the registration for the Domain (ECF 60-1 at Ex. 6 at
 12 73:15-74:6 (COE169)).

13 By finding that Kondratiev used “Anna Lee as an alias” (ECF 67, at 7), this Court has already
 14 necessarily and implicitly found that Kondratiev’s above-referenced testimony was false and
 15 contrary to the record evidence. *See* ECF 67 at 7-8.

16 Second, Kondratiev’s conduct in prior litigation involving Boyko clearly shows
 17 Kondratiev’s longstanding contempt for court proceedings and the ethical obligations
 18 associated therewith. Indeed, in the Canada Lawsuit, the Ontario Court referred to claims
 19 that Kondratiev had asserted against Boyko as “**an abuse of process**,” and in a separate
 20 order, deemed Kondratiev a **vexatious litigant**. *See* ECF 60-1 at Ex. 8, ¶¶17-18 (COE 84);
 21 ECF 60-4 at Exs. 16-17, 19 (COE282-289 & COE305-308). Kondratiev’s conduct in this
 22 action, as demonstrated by his false discovery responses and false testimony, has been
 23 similarly abusive and improper.

24 Third, even after the issuance of the preliminary injunction in this action (ECF 35),
 25 Kondratiev continued to modify and add content to the Infringing Website – all while falsely
 26 denying he was the registrant – in an effort to tarnish and disparage Boyko and the Boyko
 27 Mark. Specifically, shortly after the Court issued its preliminary injunction order, a
 28 description of this litigation and a link to Kondratiev’s declaration filed to oppose Plaintiffs’

1 Motion for Preliminary Injunction – which is replete with disparaging content about Boyko
 2 – was added to the Infringing Website. ECF 60-1 [Ex. 8, ¶¶ 29-31], ECF 60-3 – 60-4 [Exs.
 3 27-28]; see also ECF 30-1. See, e.g., *Louis Vuitton Malletier & Oakley, Inc. v. Veit*, 211 F.
 4 Supp. 2d 567, 583 (E.D. Pa. 2002) (“Willfulness can be inferred by the fact that a defendant
 5 continued infringing behavior after being given notice,” and holding that such conduct
 6 justifies the maximum \$100,000 statutory damages award).

7 In sum, throughout this action and in prior actions involving Plaintiffs, Kondratiev
 8 has exhibited a general attitude of contempt for the Court and the ethical obligations
 9 associated with court proceedings. Kondratiev’s conduct in this proceeding, thus, further
 10 justifies the imposition of the maximum allowable statutory penalty of \$100,000.

11 **IV. CONCLUSION**

12 For the foregoing reasons, Plaintiffs respectfully request that, in lieu of actual
 13 damages and lost profits, this Court issue an order awarding Plaintiff Finstar the maximum
 14 statutory damages of \$100,000, available under 15 U.S.C. § 1117(d), against Defendant
 15 Kondratiev for his violations of 15 U.S.C. § 1125(d)(1).

16 DATED this 19th day of May, 2025.

17 FENNEMORE CRAIG, P.C.

18
 19 By: s/ Amy Abdo
 20 Amy Abdo

21 LOEB & LOEB LLP

22
 23 By: s/ Oleg Stolyar
 24 Oleg Stolyar

25 *Attorneys for Plaintiffs Oleg Boyko*
 26 *and Finstar-Holding LLC*
 27
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